

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Andrew Frost

v.

Case No. 08-cv-193-PB

United States of America

NOTICE OF RULING

**Re: Document No. 9, Motion for Certificate of
Appealability**

Ruling: Frost's petition rehashes arguments that I resolved when I dismissed his first § 2255 petition. Precedent supports the government's position that Frost cannot circumvent the need to petition the Court of Appeals before proceeding with what is in effect a second § 2255 petition. Reasonable jurists would not disagree with these conclusions. Motion denied.

/s/Paul Barbadoro

Paul Barbadoro

United States District Judge

Date: September 19, 2008

cc: Andrew Frost, Esq.
Aixa Maldonado Quinones, AUSA